

REMARKS

Status of Claims:

Claims 57-61 were examined in the above-noted Office Action. Claims 62-69 are being added and no claims are being canceled by this Amendment and Response. Therefore, claims 57-69 will be pending upon entry of this Amendment and Response.

Office Action References:

Applicant expressly reserves the right to respond to any rejection in the outstanding Office Action by filing an appropriate affidavit under 37 C.F.R. §1.131 in any subsequent Response, where appropriate. Therefore, any addressing of the deficiencies of any reference herein is not an admission as to the prior art status of any such reference. Moreover, any failure to address the Examiner's interpretation with regard to any reference is not an admission by Applicant that the Examiner's position is in fact accurate. Finally, Applicant's response should not be construed as an admission as to the appropriateness of any combinations being asserted by the Examiner in support of any obviousness rejection.

Independent Claim 57:

Independent Claim 57 stands rejected under 35 U.S.C. §102(e) based upon Medrad, Inc., "Stellant CT Injection System, Operation Manual Catalog #SOM 700 EN, 2003 (hereafter "Stellant OMC"). Applicant respectfully requests reconsideration since the Stellant OMC does not disclose each feature required by the combination of features presented in claim 57. For instance, part of the combination of features of claim 57 requires executing a programmed purge protocol and thereafter a programmed injection procedure, where Y-tubing is coupled to each of first and second syringes for the execution of each of the programmed purge protocol and the programmed injection procedure, where the programmed injection procedure is executed after the execution of the programmed purge protocol, and where the programmed purge protocol includes: 1) advancing a first plunger drive ram of the injector to move a plunger of the first syringe to a first predetermined stop point where the plunger of the first syringe stops, and which purges air from the first syringe and a first section of Y-tubing, and furthermore fills the first section of the Y-tubing with contrast media; and 2) advancing a second plunger drive ram of the injector to move a plunger of the second syringe to a second predetermined stop point where the plunger of the second syringe stops, which purges air from the second syringe and the second section of the Y-tubing. This is not disclosed by the Stellant OMC.

Initially, Applicant notes that the Examiner has referred to various different sections of the Stellant OMC, and which address different procedures and/or configurations. One of these references is to page 3-30 and that is entitled "Stellant Connector Tubing," where the Examiner refers Applicant to steps 3-7. Although step 7 of this section provides "ensure all air is purged," this section does not reference how such a purge is actually executed. No

reference is made to executing a programmed purge protocol of any type, much less the above-described programmed purge protocol utilized by claim 57.

The Examiner also refers Applicant to pages 3-34 through 3-36 of the Stellant OMC in relation to at least certain of the specifics of the programmed purge protocol utilized by claim 57. Pages 3-34 through 3-36 of the
5 Stellant OMC is a different section that is entitled "Using Auto Load to Load a Syringe," and lists Steps 1-14. Steps 1-6 can be ignored for purposes of a discussion of the execution of the programmed purge protocol and the programmed injection procedure required by claim 57, as the programmed purge protocol and the programmed injection procedure use the same Y tubing. Steps 1-6 on pages 3-34 and 3-35 apparently uses tubing (a transfer set, presumably for loading fluid into the syringe) that is different from the disposable patient tubing set that is introduced
10 by step 7 on page 3-35 of the Stellant OMC. Step 7 directs that the disposable patient tubing set be connected to the syringe.

Step 9 on page 3-36 of the above-noted "Using Auto Load to Load a Syringe" of the Stellant OMC does indicate that a "Prime" button may be pressed, and the injector may automatically move forward to fill the patient tubing with fluid. This of course is not a disclosure of the advancing a first plunger drive ram" step and the
15 "advancing a second plunger drive ram" step required by the programmed purge protocol of claim 57. In fact, the very next sentence of step 9 indicates that "on a dual syringe system, the unit can be configured to either prime the tubing with contrast (side A) or saline (side B)" (emphasis added). This sentence clearly conveys that the priming operation of step 9 entails moving the plunger of a single syringe – either the syringe on side A of the injector or the syringe on side B of the injector.

Based upon the foregoing, claim 57 is allowable over the Stellant OMC. Claims 58-69, which depend from claim 57, are thereby also allowable over the Stellant OMC for at least the above-noted reasons. There is therefore no need to separately address the patentability of each of these claims and/or the Examiner's interpretation in relation to any of these claims or any of the references of record in relation thereto. However, Applicant notes that new claim 69 (which depends directly from independent claim 57) provides that the first syringe is prefilled with
20 contrast media – contrast media is contained within the first syringe prior to being mounted to the injector, and thereby prior to executing the programmed purge protocol. The Examiner took the position in the outstanding Office Action that the Stellant OMC disclosed a prefilled syringe in relation the programmed purge protocol of claim 57 prior to its amendment herein. The Examiner referred Applicant to page 3-31 of the Stellant OMC. The "previously filled with contrast" language referred to by the Examiner is in a section entitled "Loading and Priming a Syringe." A
25 programmed purge protocol of the type encompassed by claim 69 is not addressed in this "Loading and Priming a Syringe" section of the Stellant OMC.
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The Examiner also referred Applicant to page 3-37 of the Stellant OMC in relation to a prefilled syringe. The "previously filled" language cited by the Examiner is in a section entitled "Pre-loading a 200 ml Syringe on the

Injector Head." A programmed purge protocol of the type encompassed by claim 69 is not addressed in this "Pre-loading a 200 ml Syringe on the Injector Head" section of the Stellant OMC.

The discussion in the Stellant OMC provided on pages 3-32 through 3-33 is directed to "Manual Loading a Syringe" – having the operator manually control the injector to load fluid into a syringe after being installed on the injector head. Claim 69 requires a prefilled syringe. The discussion in the Stellant OMC provided on pages 3-34 through 3-36 is directed to "Using Auto Load to Load a Syringe" – having the injector be programmed to automatically load fluid into a syringe after being installed on the injector head. Claim 69 requires a prefilled syringe.

Conclusion:

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such a disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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